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INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RSJ07595WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/05475	International filing date (day/month/year) 16.12.2003	Priority date (day/month/year) 16.12.2002
International Patent Classification (IPC) or both national classification and IPC G01G15/00		
Applicant ISHIDA EUROPE LIMITED		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

- This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 08.07.2004	Date of completion of this report 26.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Ganci, P Telephone No. +31 70 340-3384 

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I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-18 as originally filed

Claims, Numbers

1-15 as originally filed

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: EP-A-605164 (Ishida Co. Ltd)

NOVELTY

2. Document D1, which is considered to represent the most relevant state of the art, discloses a method for determining the quantity of items in a container, each item having the same nominal weight located between upper and lower weight limits.

2.1 The subject-matter of claim 1 differs in that comprises the steps of:

- a) attempting to transfer a predetermined quantity, n , of the items to the container, the predetermined quantity, n , being selected such that the product of $(n+1)$ and the lower weight limit exceeds the product of n and the upper weight limit and such that the product of n and the lower weight limit exceeds the product of $(n-1)$ and the upper weight limit.
- b) measuring the weight of the actual quantity of items transferred to the container in step (a)
- c) dividing the value of the weight ascertained in step (b) by the nominal weight to determine the actual quantity of items packed in the container in step (a).

2.2 Therefore the subject-matter of claim 1 is new and meets the requirements of Art. 33 (2) PCT.

2.3 The same arguments apply to the corresponding device claim 11 which also meets the requirements of Art. 33(2) PCT.

2.4 The expression "...to determine the actual quantity of items packed in the container in step (a)" has been interpreted as "...to determine the actual quantity of items transferred in the container in step (a)".

2.5 Claims 2-10, 12-15 are dependent claims and thus meet the requirements of Art. 33 (2) PCT.

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INVENTIVE STEP

3. The subject-matter of claims 1 and 11 is not disclosed or suggested by document D1, therefore the subject-matter of claim 1 and 11 meet the requirement of Art. 33(3) PCT.

3.1 Claims 2-10,12-15 are dependent claims and thus meet the requirements of Art. 33 (3) PCT.

INDUSTRIAL APPLICABILITY

4. The subject-matter of independent claims 1 and 11 and the subject-matter of the dependent claims 2-10, 12-15 meet the requirement of Art. 33(4) PCT.